

The Opening of Hudson Avenue

On account of the opening of Hudson avenue, we are compelled to vacate our present premises by July 1st. And, as it will be some time before our new store is ready, we will offer our entire **\$40,000 STOCK AT LESS THAN COST.**

This is an opportunity the people of Ogden have never had before, and, possibly, may not occur again.

REMEMBER, WE ARE NOT GOING OUT OF BUSINESS.—And we have put no cheap goods in to make specials. Our well-known guarantee will go with every article purchased. And any article not as represented will be replaced, or money returned.

This sale of **DIAMONDS, WATCHES, JEWELRY, SILVERWARE, CUT GLASS, HAND-PAINTED CHINA, NOVELTIES and ART GOODS, WILL COMMENCE**

MONDAY, JUNE 6th

AND CONTINUE UNTIL THE END OF THE MONTH.

We will sell you gold-filled open-face ladies' watches, warranted 20 years, from \$5.00. Ladies' and Gents' rings, **ALL SOLID GOLD**, at prices you have paid for filled rings. Eight-inch Cut Glass bowls from \$2.00; 5 1/2 and 7-inch Cut Glass Nappies, 70c, filled, \$1.20 each. Three-Star Cut Glass Tumblers, Bell Shape, \$1.80 per dozen. Pitchers to match, 90c.

Come and look, and make your money go a long way.

SMALLEY, 346 25th St.

The Peoples' Jewelers

SALT LAKE AND STATE NEWS

SUPREME COURT REMANDS CASES

Three Judgments Are Reversed and Two Are Affirmed on Friday.

Five opinions were handed down by the supreme court on Friday, three of which reversed the judgments of the lower courts. Justice J. E. Frick wrote all of the opinions, which were concurred in by Chief Justice Straup and Justice McCarty.

The judgment in the case of John Robinson, appellant, against Salt Lake City, tried before Judge Armstrong, was reversed, with instructions to grant a new trial. Robinson sued to recover damages in the sum of \$10,000 for personal injuries alleged to have been received by being thrown from his wagon South Temple street, between Sixth and Seventh West streets, February 11, 1909. While driving along the street his wagon ran into an excavation, left unguarded, and Robinson was thrown out and one of his legs broken.

After the plaintiff submitted all his evidence, Judge Armstrong granted the motion of City Attorney Dinnany for a non-suit, and dismissed the case, upon the grounds that Robinson had failed to prove his cause of action and that the city had made the excavation in the street, or that it had been left for any length of time to charge the city with notice of its being in the street. The supreme court holds that the lower court erred in granting the non-suit and, therefore, grants a new trial.

Reversal and New Trial.

A reversal and a new trial also are granted in the case of William L. Bills, appellant, against Salt Lake City, in which a jury in Judge Armstrong's court returned a verdict in favor of the city, no cause of action. Bills sued to recover \$5,000 damages for injuries received by riding his bicycle into an excavation on South Temple street, near Second East street, April 13, 1907. The city set up contributory negligence on the part of Bills as its defense, and the instructions of the court on the question of contributory negligence were excepted to by Bills as being prejudicial to his interests. The supreme court also takes this view and holds that the lower court erred.

In the case of A. E. Snow, plaintiff, M. R. Brothers, as assignee, substitute plaintiff and appellant, against E. M.

West, the judgment of the lower court is affirmed. The question involved is the right to set off two judgments obtained by Snow against West. Snow secured a judgment against West for \$1050 as damages for a levy on the former's library, claimed exempt. After the judgment was obtained, it was assigned by Snow to Brothers.

West had two judgments against Snow, amounting to \$362.20 and \$139, respectively. He filed a motion that judgment secured by Snow, and the lower court granted the motion, thus leaving a balance due to Snow, or his assignee, of \$653.35.

It was contended by Brothers that, under the statutes, the judgment in favor of Snow, having been given as damages for the levy and sale of exempt property, also was exempt and hence the set off should not have been allowed.

Not Resident of Utah. The supreme court holds that this contention would have been good had it not been for the fact that, when the set off was claimed, Snow had departed from the state and had ceased to be a resident of Utah, hence he could not claim an exemption under the laws of Utah. In view of this fact, the court holds, Snow's assignee would not have any greater right than he, hence no exemption could be claimed.

The judgment of the lower court in the case of Emil S. Rolapp, trustee, appellant, against the Ogden & North-western Railroad company and the executors of the estate of A. R. C. Smith is reversed, and the lower court is ordered to amend its findings of fact and conclusions of law to conform to the views expressed by the supreme court.

The action was brought to foreclose two trust deeds on the property of the railroad company, one dated February 20, 1904, for \$40,000, and the other dated September 15, 1904, for \$20,000. The lower court rendered a decree of foreclosure, but permitted a judgment secured by Smith, amounting to \$3781.25, to take priority over the first trust deed and ordered it paid out of the proceeds of the sale of the property before the deed mentioned. The supreme court holds that the judgment appealed from is for too large an amount and hence reverses it.

In the case of the state against Lorenzo Montgomery, appellant, the judgment of the lower court is affirmed. Montgomery was found guilty in the district court of Weber county February 9, 1909, of a criminal assault on Ruby Stanford, aged 16 years, and was sentenced to eighteen months in the state prison. The supreme court denies him a new trial.

BAD CONDENSED MILK SHIPPED FROM LOGAN

Denver, Colo., June 3.—State Pure Food Commissioner Cannon has confiscated a carload of condensed milk which had been distributed among grocery stores of the city.

The cans were labeled, "Honey-

suckle Brand, Evaporated Milk, Thoroughly Sterilized and put in Sanitary cans by the Cache Valley Condensed Milk Company, Logan, Utah.

Guaranteed under the National Food and Drugs act.

The milk was badly curdled and decomposed.

BUREAU CALLS MASS MEETING

Commercial Club Wants to Get Closer to People in Coal Rate Fight.

Salt Lake, June 4.—With the object of getting closer to the public in the fight for a reduction in coal rates, the board of directors of the Commercial club traffic bureau has issued a call for a mass meeting of the people of the city, to be held at 8 o'clock Wednesday evening, June 8, at the Commercial club rooms. This important step was taken at a meeting of the directors of the Commercial club Friday afternoon at 2 o'clock.

At this mass meeting it is hoped to secure a strong representation of the business and other organizations, as well as of interested citizens generally. The object of the meeting, as outlined in a bulletin issued by the traffic bureau, is to "consider and adopt a definite plan of action upon the proposition that the railway rates for the transportation of coal within this state are unjust, oppressive, excessive, and should and must be reduced to a reasonable basis."

"Utah coal for Utah people." It is said, will be the slogan of the mass meeting. Officials of the bureau have in mind the organization of a "Reasonable Coal Rates league," which, shall have direct charge of the campaign, now in earnest, and which will be prosecuted to a finish.

BUCKHORN WILL RIVAL THE RAND OF AFRICA.

A prominent mining engineer who arrived in Ely last week from Buckhorn, the new mining camp in Eureka county, and who is not interested in that section or the district, states that Buckhorn is the making of the greatest gold camp in the world, says the Ely Record. He predicts that within two years it will rival Goldfield in output and that in five years it will equal the Rand. He states that a lead seventy feet in width and averaging \$10 in gold has been prospected for a distance of one mile and the end has not yet been reached. A number of shafts and crosscuts have been run, and it is now estimated that at least \$7,000,000 worth of ore has been blocked out in the mine. The lead can be worked by steam shovels from one end to the other, and as the ore is a

cyantiding proposition, the output can be produced for less money than any other camp in the world. George Wingfield, the Goldfield millionaire mining man, is the owner of the property and is spending much money in development work, which will be continued during the present year. Next year the largest cyantiding plant in the world will be erected, after which the camp will be on a producing basis.

NOTICE.

There will be a meeting of the members of the German Evangelical St. Paul's church at the Swedish Lutheran Church, corner 23rd street and Jefferson avenue, on Sunday, June 5th, at 11 o'clock a. m., for the purpose of authorizing the Trustees to dispose of lots 14 and 15 in Block one (1) Herriman's Addition in the City of Ogden, Utah.

Dated, Ogden, Utah, May 18th, 1910.

H. G. HESS, Secretary.

ARTIST JOHN HAFEN IS DEAD

A telegram announcing briefly the death in Indianapolis, Ind., of John Hafen, prominent Utah artist, was received in this city yesterday afternoon. Bronchial trouble is believed to have caused his death.

The body will probably be taken to Springville, this state, for burial. His wife and ten children survive. Two married sons, Leo and Parley, live in Salt Lake, and Mrs. J. D. Larsen, a daughter, lives at Provo. Virgil, another son, has been studying with his father in Indiana for several months, and Mrs. Hafen and some of the other children arrived in Indianapolis on a visit a short time before Mr. Hafen's death.

Mr. Hafen was born in Switzerland fifty-six years ago. He came to Utah in the early days with his parents, who settled in Payson, and he received his early education in the schools of Payson and Springville. As a boy he developed a remarkable talent for painting, and after studying under some of the well-known Utah artists, he went to Paris and studied for three years under some of the masters at St. Julian academy. He was one of the three artists sent to Europe by the Mormon church to study art for the interior of the Mormon temple, and upon his return he was employed for three years in that work.

He then returned to Springville, which he always claimed as his home, and opened a studio, where he executed a number of landscapes which have been pronounced masterpieces by well known critics.

\$1.10 SALT LAKE & RETURN \$1.10.

Account Y. M. & Y. L. M. I. Association meeting. Tickets on sale via Oregon Short Line, June 2nd to 5th, inclusive, good returning until June 15th. Tickets on sale at City Ticket Office, 2514 Washington Avenue.

E. A. SHEWE, C. P. & T. A.

WHEN BASEBALL IS WELL PLAYED

(By C. E. Van Loan.)

New York, June 4.—Ever since the Baltimore Orioles of amazing memory began to anticipate plays instead of merely waiting for them to happen, there has been a lot of talk about "inside ball."

It has been said that the Chicago Cubs are the legitimate successors to that lightning fast outfit from the oyster town and every once in a while some Chicago fan will arise to prove that Frank Chance and his hired men have all the "inside ball" in the world sewed up in a sack, copy-righted, patented and copper riveted forty ways from the home plate.

This is not entirely true, but it is true that the baseball of today is miles and miles ahead of the baseball of fifteen years ago, when the main idea was to tear the trade mark off the ball and take a chance that the other fellow wouldn't be able to hit quite so hard.

There is no question about F. LeRoy Chance being quite a young strategist. He is all that, and then some. Machiavelli on the side. He doesn't sit down and wait for something to happen; he knows what ought to happen, and then he lays plans to meet the happening a little more than half way. Inside baseball as practiced by Frank Chance, John McGraw, Hugh Jennings and the old fox, Clark Griffith, depends to a great degree on forcing the hitter to do a certain thing and outguessing the opposition.

A team of second rate performers, working together as one man, under the guidance of a baseball general like Chance or McGraw or Griffith, will worry any team in either league. Foxy Clark Griffith opened up the other day, and said a few very interesting things about inside baseball. Somebody had been trying to tell the old boss that inside baseball was more or less bunk. "Not on your Paris point!" said the manager of the Reds. "But you've got to have some regular pitchers before you can pull off much of the inside stuff."

With a pitcher in the box who isn't exactly sure when he lets the ball go, where it is going to cross the plate, if at all, isn't much use to attempt the fielding shifts practiced by the Cubs and Giants. With a pitcher who can cut the plate at will, or keep the ball over either corner as he chooses, the game becomes as soft as a conjurer's trick when the conjurer forces the victim to take the card out of the deck which was selected for him from the beginning.

Suppose now that the eminent Mr. Brown is pitching. The Cubs are signaled that he is going to throw a fast one on the outside of the plate. The whole team swings over to meet a hit toward right field. The action is reversed for a curve of the inside. The Cubs have about 50 per cent the best of it before the batter swings his club.

"But," says Mr. Griffith, the fox, there isn't a thing doing when the pitcher cannot control the ball. The minute he loses control, all your inside stuff is knocked into a cocked hat."

As an evidence of this, give a look at the pitching record of Mordecai Brown for this season. The star

twirler for the Cubs has not been effective and even with the great "inside" ball of the Cubs behind him, he has been trimmed nearly every time he has stuck his nose into the box. If Mordecai had been able to hold that ball of his and put it squarely where he intended to throw it, he would have gone away in his usual stride.

Pitching control is the secret of the defensive side of inside baseball. There is also offensive inside ball, as well as defensive, and this makes runs instead of cutting them off.

Every manager and team captain has his own ideas about this sort of play. Hal Chase believes that it is a mighty good thing to mix up the plays once in a while. For instance, it has become an absolute rule in baseball, with a man on first base and none out, to sacrifice the runner to second base. The opposing players "lay for" a bunt because they know that the second man up will try to lay one down with an eye toward getting the man to second, even if it costs a life to the hitter. Chase believes that it is a clever thing to mix up the opposing team when confronted with a situation of this sort.

That is why the Highlanders do not always attempt to sacrifice a man. Every little while the second man up will try to slam a single through the infield. Other managers refuse to allow their players to do this.

They count the chance of the double play and believe that it is good baseball to advance the runner to second rather than take a chance on getting two men out. Some managers will not try the squeeze play. The Highlanders revel in that bit of baseball strategy and if the hitter can dump the ball any old place inside the lines, the stands rise up and say "Bully!" "Immense!" But if the hitter happens to miss—"of you!" What a rotten thing that squeeze play is!

When you come right down to cases on the proposition, inside baseball is lovely when it works, and Mr. C. Griffith, old fox of the big league, put his finger on the heart of the whole thing when he said:

"With the Mathewsons and Browns working, you can sneak and shifts and signals galore. When your pitcher has perfect control of the ball, you can plug up the grooves, but if the twirler is unsteady—good night!"

NOTICE TO PUBLIC

OGDEN CANYON WEEK-DAY SCHEDULE—EFFECTIVE JUNE 3RD, 1910.

Leave Union Depot at 7:00 and 8:20 a. m., and every forty minutes thereafter until 10:20 p. m.

Leave Hermitage at 7:40 and 9:00 a. m. and every forty minutes thereafter until 11:00 p. m. J. W. BAILEY, Superintendent.

DENIES KNOWLEDGE OF TRICKY SCALES

NEW YORK, June 3.—Testimony that led direct to the grave of Henry C. Havemeyer, the late head of the American Sugar Refining company, was given on the witness stand today by Charles R. Helke, secretary of the company, who is charged with conspiring to defraud the government on underweights of sugar.

Helke's defense opened today and his counsel tried to shift all responsibility for the conduct of the company's affairs upon its late president. Helke's story of the responsibility upon his dead chief officer.

George S. Graham, who made the opening address for Helke, said he regretted bringing discredit to a man now dead, but circumstances of the case warranted. Helke, he said, was at a period in life when a prison sentence, even if short, would mean a life term.

Helke Blames Havemeyer.

On taking the stand, Helke immediately put responsibility for practically all his acts up to Havemeyer, saying the latter had been in direct control of the Williamsburg refinery. Time and again in explaining his business dealings, he declared he had acted "at the direction of Mr. Havemeyer."

It was also brought out through a letter written by Havemeyer that Helke had called Havemeyer's attention to the "liberality" of the government sugar weighers.

He denied any knowledge of the tricky scales on the docks and said he did not even know the company had scales there, but thought they belonged to the government.

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MRS. DORA DOXEY IS ACQUITTED

ST. LOUIS, June 3.—Mrs. Dora Elizabeth Doxeay was found not guilty to night of the charge of murdering William J. Erder with arsenic.

The verdict was returned at 9:32 p. m., eight hours and 45 minutes after Judge Grimm ordered the jury to retire.

Mrs. Doxeay wept hysterically as her acquittal was announced.

When the clerk had nearly finished reading the verdict, she shrieked and simultaneously the audience started a cheer which was quickly suppressed by a deputy sheriff.

In the excitement that followed the acquittal, Judge Grimm left the bench, forgetting to tell the defendant she was free. He returned, called her before him and formally discharged her.

It was stated that the jury took three ballots before reaching an agreement, two before dinner, and the last

A NOTRE DAME LADY'S APPEAL

To all knowing sufferers of rheumatism, whether muscular or of the joints, sciatica, lumbago, backache, pains in the kidneys or neuralgia pains, to write to her for a home treatment which has repeatedly cured all of these tortures. She feels it her duty to send it to all sufferers. FREE. You cure yourself at home as thousands will testify—no change of climate being necessary. This simple discovery banishes rheumatism, sciatica, lumbago, backache, pains in the kidneys or neuralgia pains, to write to her for a home treatment which has repeatedly cured all of these tortures. She feels it her duty to send it to all sufferers. FREE. You cure yourself at home as thousands will testify—no change of climate being necessary. This simple discovery banishes rheumatism, sciatica, lumbago, backache, pains in the kidneys or neuralgia pains, to write to her for a home treatment which has repeatedly cured all of these tortures. She feels it her duty to send it to all sufferers. FREE. 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